THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15751 of 2006

Dated: 31-07-2006

Between:

M/s. Sri Varalakshmi Polytechnic,
Rep., by its Secretary,
Machilipatnam.

..... PETITIONER

AND

The Employees Provident Fund Organisation,
Rep., by its Regional Provident Fund
Commissioner-II and Authority,
Guntur.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 15751 of 2006

O R D E R:

This writ petition is filed questioning the order dated 05-06-2006 passed by the respondent in exercise of powers under Section 14B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short 'the Act') levying damages for the delayed payment of provident fund contributions. The petitioner contends that the said order is illegal and unsustainable and as a matter of fact, an appeal has already been preferred under Section 7I of the Act. It is pleaded that since the Appellate Authority is not functioning, the application for stay filed by the petitioner could not be considered and in the meanwhile, the respondent is taking steps to implement the impugned order. Hence, this writ petition.

I have heard the learned counsel for the petitioner and the learned counsel appearing for the respondent. Keeping in view that the petitioner has already preferred the statutory appeal, I deem it appropriate to dispose of the writ petition with a direction that the impugned order dated 05-06-2006 shall not be given effect to till the disposal of the appeal subject to the condition that the petitioner deposits half of the amount demanded under the impugned order within a period of eight weeks from today. No costs.

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G. ROHINI, J

Dated: 31-07-2006
KLP